

REMARKS

Claims 2-8 are pending in the present application. Claims 2-8 stand rejected under the Doctrine of Double Patenting and under 35 U.S.C. §103. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 2-8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-20 of U.S. Patent No. 5,865,913 to Paulin et al. Additionally, Claims 2-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,447,035 to Workman et al. and are further rejected over Workman et al. in view of Paulin et al.

Applicant respectfully traverses these claim rejections as there is no teaching or suggestion in Paulin et al. to treat brake components, the claims and specification are directed specifically to firearm barrels. Further, the claimed invention distinguishes over Workman et al. for the reasons previously presented in the Applicant's Appeal Brief.

However, Applicant has cancelled all of the pending claims and added new claims that are directed to a method of cryogenic tempering brake components with the descent rate, stay time, and ascent rate being a function of both the mass of the brake components and the cross sectional area of the brake components. (See, e.g., Table 1 on page 10 of specification and corresponding description). Since neither Workman et al. nor Paulin et al. teach or disclose cryogenic tempering as a function of mass and

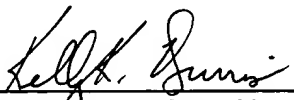
cross sectional area, Applicants submit that these new claims are patentable over these references.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7524.

Respectfully submitted,

Dated: 08 OCT 04

By: 
Kelly K. Burris, Reg. No. 46,361

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme Avenue, Suite 400
St. Louis, MO 63105
(314) 726-7500

KKB/lds